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cont'd

-- 44. (Added) The slow melting, shaped, shark repelling chemical conglomerate of claim 43 wherein said insoluble containers are not identical.

-- 45. (Added) The slow melting, shaped, shark repelling chemical conglomerate of claim 43 wherein said grouping of insoluble containers include at least one container that has a manually opened closure that is insoluble in water and/or at least one container whose opening hole has no closure. --

REMARKS

Reconsideration of the above-identified patent application is respectfully requested in view of the foregoing amendments and following remarks. References cited by amendment on page 4 are herewith enclosed for the convenience of the Examiner.

Claims 12 - 24 were withdrawn and 1 - 11 were cancelled. Claims 25 - 45 have been added and remain in the case. No new material has been added.

Claims 1 - 11 were rejected under 35 U.S.C. 101, as lacking patentable utility. Per the Examiner's kind revelation of this matter, applicant has corrected the omission of the explanation for patentable utility by describing the need for retarding the melting rate of the chemical conglomerate and has as well directed his recitation of the invention along narrower lines by putting more emphasis and claims on the invented methods of controlling the melt rate of the chemical conglomerate.

Claim 1 - 11 were rejected under 35 U.S.C. 112 (first paragraph) as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant respectfully disagrees with the Examiner's assessment. However, in the interest of furthering the prosecution of this case, applicant has expanded his teaching in the specification to include a greater and more explicit amount of instructions about how to use this invention.

Claims 1 - 11 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has entered more identifying data to his claims so that specific chemicals are identified by their chemical names as provided in the specification on page 4 line 6. Applicant has also more specifically described the proportions of different chemicals in the mix of the chemical conglomerate. This has not been done sufficiently correctly by any other inventor to date, and applicant believes it to be unique to the point of invention.

Claim 8 was rejected as being unclear and has been modified in new claim 25 to show that the chemical conglomerate can be or may not be coated depending on the melt rate desired.

Claims 1 - 8, 10 and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by Schneider - 4917280. Applicant has restated the subject claims to eliminate the conflict Examiner Levy noted with Schneider 4917280. Schneider 4917280 teaches a simple

cube shaped chemical conglomerate which has little ability, as far as shape is concerned, to prolong melting times since once the outer coating is breached by the water then melting is fairly rapid when compared to the newly invented shapes taught in the instant application. Schneider 4917280 also teaches a waterproof epoxy coating that must be manually broken open before the contained chemical will melt.

The instant application teaches beyond that insofar as this new teaching explains how partial waterproof coatings can be made from polyurethane based caulking materials or epoxy and also how such selective coating of less than 100% of the chemical conglomerate's surface will in fact serve to retard that chemicals melting time.

Claims 1,2,4,6,7 and 10 were rejected under U.S.C. 102(b) as being anticipated by Gladfelter et al 5234615. Applicant has restated the subject claims to eliminate the conflict with Gladfelter et al insofar as Gladfelter claims a sheet or filament of plastic material formed into a bag to encase and contain the pelletized chemicals. This plastic bag, which Gladfelter utilizes to protect the chemicals from the

water and contain them in pelletized form until they are immersed in water, is not in intimate contact with all the chemicals it contains and so cannot effectively control their dissolution rate after this plastic container bag has been breached by water. Nor does Gladfelter teach such control of melting as a part of their invention. Applicant claims not a loose plastic containment bag but a latex or epoxy or polyurethane coating which has been dried onto the surface of the chemical conglomerate to protect it from the water. In most cases, applicant's chemical conglomerate, as well as being coated, will also be cast in a shape that is capable of retarding the rate of its melting rather than just being pelletized as in Gladfelter et al. Gladfelter's teaching has the contained pelletized chemical melting immediately after the containment bag has been breached by the water. Applicant's coating, because it is in intimate contact with the chemical conglomerate, can slow and control the melt rate of that contained chemical conglomerate so it melts in some instances over a period of days rather than instantaneously as with Gladfelter's disclosed bag.

Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes in view of Gladfelter et al 5234615. Applicant has modified his claims to make it clear that his patent application has, from the start, taught entirely away from both Hayes and Gladfelter et al. since applicant's invention accomplishes an entirely different purpose than does either of these two other cited references. Hayes and Gladfelter both utilize a bag which, when breached by water, allows its contained chemical to be dissolved immediately into the water surrounding the site. People in a life raft need constant and lasting chemical protection from shark attack rather than just protection that might last for no more than a few minutes until it has been dispersed in the water. Chemical shark protection that lasts only a few minutes until wave actions carry it away and disperse it into an ineffective concentration cannot be considered to be providing acceptable application. The purpose of applicant's invention is to prevent that very nearly instantaneous melting of the contained chemical. Instead, applicant's teaching prolongs the chemical's melting over a period as long as several days and even a week in some cases when proper coating application

procedures are utilized. Open sea testing of applicant's designs as taught in this patent application have proved these coatings and shapes do effectively accomplish just the sort of melting control described herein.

Hayes also describes the chemical as being a "dollop". A dollop, by definition, has no definable shape and is not rigid. This is in direct contrast to applicant's claim of hardened, slow melting chemical shapes.

In view of the foregoing amendments and remarks, applicant respectfully requests that claims 25 - 45 be allowed, and that the case be passed to issue.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on March 1, 2001.

A handwritten signature in black ink, appearing to read "David P. Schneider".

David P. Schneider

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